

## **REMARKS**

Claims 1, 4-8, 12-18, and 22-26 were pending in the application. Claims 1 and 4 have been amended by this Amendment C. Claim 27 has been added as a new claim. Claims 1, 4-8, 12-18, and 22-27 are now pending in the application.

The Examiner is respectfully requested to reconsider and withdraw the rejections and objections in view of the amendments and remarks contained herein.

## **ALLOWABLE SUBJECT MATTER**

The Applicant appreciates the indication that claims 14-18, and 22-26 are allowable in their current form.

The Office action states that claims 4-8, 12 and 13 would be allowable if rewritten in independent form. Accordingly, Applicant has amended claim 4 to include the recitations of claim 1. Therefore, claim 4 should now be in condition for allowance.

Additionally, claims 5-8, 12, and 13 depend from claim 4 and are also allowable at least due to their dependency from an allowable claim.

## **REJECTION UNDER 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,433,139, issued to Kitagawa, et al (hereinafter *Kitagawa*). Applicant traverses this rejection.

As an initial matter, the Office action fails to characterize the recitations of claim 1. Claim 1 recites “a carbon dioxide sensor for detecting carbon dioxide . . . and for providing an output indicative of the carbon dioxide produced; and a monitor connected to the carbon dioxide sensor for providing a signal based on input from the carbon dioxide sensor, where the signal indicates at least one of (a) a cumulative amount of carbon dioxide produced and (b) a rate of carbon dioxide production.” As such, the sensor provides an output indicative of the CO<sub>2</sub> produced and the monitor provides a signal that indicates a cumulative amount of CO<sub>2</sub> or a production rate of CO<sub>2</sub>.

This is different than disclosed in Kitagawa. In Kitagawa, CO<sub>2</sub> sensor 44 provides a signal indicative of the real time “density” Ga of CO<sub>2</sub> gas. In Kitagawa, this “density” appears to be a concentration level of CO<sub>2</sub> gas within the gases within the baking chamber such as an indication of the real time particles per million or a concentration percentage level (Kitagawa is

silent in regard to these details). However, contrary to the statement in the Office action, Kitagawa does not mention or teach a “volume” or “quantity” of gas or of the baking chamber. While it may be possible, the Office action statement and conclusion in this regard are improper and purely speculative as no where in Kitagawa is this taught or disclosed.

Kitagawa also discloses that the microcomputer 18 receives the CO<sub>2</sub> sensor 44 signal along with other sensor signals and inputs them into “a fine adjustment program” based on the sensor’s detected CO<sub>2</sub> density Ga. (see Kitagawa, col. 7, line 41 to col. 8, line 24.) However, Kitagawa does not disclose providing a signal indicative of the cumulative amount or rate of change of CO<sub>2</sub> gas produced as recited by claim 1.

Kitagawa is different as it addresses the operation of the fine adjustment program as Kitagawa states it “causes the gas sensor 44 to apply the volatile gas (mainly carbon dioxide) density Ga . . . to the microcomputer 18. Control factors such as the time and temperature of the leavening process are calculated for correction based on this data. That is, the control factors are subjected to fine adjustment based on the volatile gas density Ga to define a more precise control operation.” Kitagawa, col. 7, lines 46-55. In Kitagawa, the fine adjustment program receives a real time CO<sub>2</sub> signal from the sensor indicating the then current CO<sub>2</sub> concentration level or density. The program calculates a correction based on this data and provides output controls, e.g., “a relay 30 of the heater 12, a relay 33 of the heater 47, a relay 31 of the fan motor 45, and the like are driven based on such finely adjusted control operation.” Kitagawa, col. 7, lines 55-58, and see Fig. 6. Kitagawa does not suggest or teach the a monitor (or the microcomputer) provides a separate signal that is indicative of either the cumulative amount of CO<sub>2</sub> produced or the rate of carbon dioxide production. Kitagawa only provides controls to relays, e.g., on or off relay controls. The Office action is purely speculating that the fine adjustment program of Kitagawa determines a cumulative amount of CO<sub>2</sub> produced as this is not disclosed in Kitagawa. Additionally, it is clear that Kitagawa does not disclose providing an output, different from the sensor output or relay control outputs, that is indicative of the cumulative amount or rate of production of CO<sub>2</sub> gas.

As such, Kitagawa does not disclose each and every element or feature recited by claim 1. For these reasons alone, the rejection to claim 1 should be withdrawn.

However, in an effort to move this forward, claim 1 has been amended to recite that the provided signal includes both a cumulative amount of carbon dioxide produced and a rate of

carbon dioxide production. Kitagawa does not teach or suggest providing a signal that is indicative of a rate of production of the gas. It is clear that Kitagawa does not suggest or teach that the rate of change of the carbon dioxide is monitored or that a signal is produced indicative of such a characteristic. As the amended claim 1 recites that the provided signal includes both the cumulative amount and the rate of production, and Kitagawa does not disclose either of these features, the rejection to claim 1 should be withdrawn.

#### **ADDED CLAIM**

Claim 27 has been added per this amendment. Claim 27 recites a system for making a leavened food product from a dough having a leavening agent that can produce carbon dioxide. A carbon dioxide sensor detects carbon dioxide produced by the leavening agent and provides an output indicative of the carbon dioxide produced. A monitor connected to the carbon dioxide sensor provides a signal based on input from the carbon dioxide sensor, where the signal indicates a rate of carbon dioxide production. As discussed above, the cited reference Kitagawa does not teach or suggest that its microcomputer or a monitor provides a signal indicating the rate of carbon dioxide production. As such, claim 27 is allowable as presented.

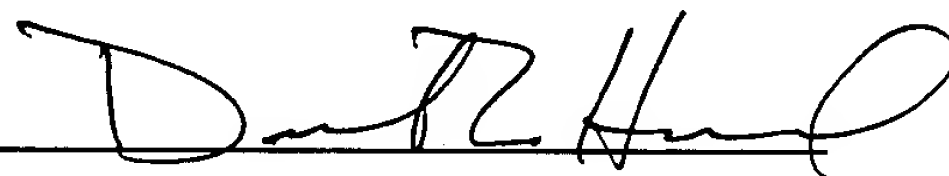
## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Dated: \_\_\_\_\_

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